



Practitioner's Docket No. 2003-IP-010496U1

*IPW*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

**OR**

In re application of: Bradley L. Todd, et al

Application No. 10 / 765,334

Filed: 01/27/2004

Group Art Unit:

Examiner:

For: Fluid Loss Control Additives for Use in Fracturing Subterranean Formations

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

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Date: 7-14-04

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Tammy Knight

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\* Only the date of filing (§ 1.8) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmitted of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 1 of 3)

**NOTE: 37 C.F.R. 1.98(b):**

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

**NOTE:** The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.



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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 3 of 3)



PATENT 2003-IP-010496U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Bradley L. Todd, et al.	)	Art Unit:	Unknown
		)		
Serial No.:	10/765,334	)		
		)		
Filed:	01/27/2004	)	Examiner:	Unknown
		)		
For:	Fluid Loss Control	)		
	Additives for Use in	)		
	Fracturing Subterranean	)		
	Formations	)		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

U. S. PATENTS

U.S. Patent Number 2,238,671 issued 04/15/41 to John C. Woodhouse;

U.S. Patent Number 3,784,585 issued 01/08/74 to Edward Emil Schmitt, et al;

U.S. Patent Number 3,828,854 issued 08/13/74 to Charles C. Templeton, et al;

U.S. Patent Number 3,868,998 issued 03/04/75 to James H. Lybarger, et al;

U.S. Patent Number 3,960,736 issued 06/01/76 to Dustin L. Free, et al;

U.S. Patent Number 4,169,798 issued 10/02/79 to Ronald N. DeMartino;

U.S. Patent Number 4,470,915 issued 09/11/84 to Michael W. Conway;

U.S. Patent Number 4,716,964 issued 01/05/88 to Steven R. Erbstoesser, et al;

U.S. Patent Number 4,809,783 issued 03/07/89 to Keith H. Hollenbeck, et al;

U.S. Patent Number 4,843,118 issued 06/27/89 to Ta-Wang Lai, et al;

U.S. Patent Number 4,848,467 issued 07/18/89 to Lisa A. Cantu, et al;

U.S. Patent Number 4,961,466 issued 10/09/90 to Ronald E. Himes, et al;

U.S. Patent Number 4,986,353 issued 01/22/91 to Charles R. Clark, et al;

U.S. Patent Number 4,986,354 issued 01/22/91 to Lisa A. Cantu, et al;

U.S. Patent Number 5,082,056 issued 01/21/92 to James E. Tackett, Jr.;

U.S. Patent Number 5,439,055 issued 08/08/95 to Roger J. Card, et al;

U.S. Patent Number 5,460,226 issued 10/24/95 to Jimmie B. Lawson, et al;

U.S. Patent Number 5,591,700 issued 01/07/97 to Phillip C. Harris, et al;

U.S. Patent Number 6,162,766 issued 12/19/00 to David J. Muir, et al;

U.S. Patent Number 6,189,615 issued 02/20/01 to Robert D. Sydansk;

U.S. Patent Number 6,242,390 issued 06/05/01 to Thomas O. Mitchell, et al;

U.S. Patent Number 6,387,986 issued 05/14/02 to Ahmad Moradi-Araghi, et al;

U.S. Patent Number 6,669,771 issued 12/30/03 to Yutaka Tokiwa, et al;

U.S. Patent Number 6,710,019 issued 03/23/04 to Christopher Alan Sawdon, et al;

U.S. Patent Number 2001/0016562 issued 08/23/01 to David J. Muir, et al;

U.S. Patent Number 2003/0060374 issued 03/27/03 to Claude E. Cooke, Jr.;

U.S. Patent Number 2003/0114314 issued 06/19/03 to David A. Ballard, et al;

U.S. Patent Number 2003/0130133 issued 07/10/03 to Daniel Patrick Vollmer;

U.S. Patent Number 2003/0234103 issued 12/25/03 to Jesse Lee, et al;

U.S. Patent Number 2004/0014607 issued 01/22/04 to A. Richard Sinclair, et al; and

U.S. Patent Number 2004/0040706 issued 03/04/04 to Mohammad Hossaini, et al.

#### **FOREIGN PATENTS**

PCT International Publication Number 2004/037946 A1 published 05/06/04 to Dean Willberg, et al; and

PCT International Publication Number 2004/038176 A1 published 05/06/04 to John Still, et al.

#### **PRIOR ART**

Simmons, et al., "Poly(phenyllactide): Synthesis, Characterization, and Hydrolytic Degradation," *Biomacromolecules*, Vol. 2, No. 3, 2001 (pp. 658-663);

Yin, et al., "Preparation and Characterization of Substituted Polylactides," *Am.Chem.Soc.*, Vol. 32, No. 23, 1999 (pp. 7711-7718);

Yin, et al., "Synthesis and Properties of Polymers Derived from Substituted Lactic Acids," *Am. Chem. Soc.*, Ch. 12, 2001 (pp. 147-159); and

Lisa A. Cantu, et al, "Laboratory and Field Evaluation of a Combined Fluid-Loss-Control Additive and Gel Breaker for Fracturing Fluids," *SPE Paper 18211*, 1990.

Copies of the aforementioned references and Form PTO-1449 are submitted herewith.

Respectfully submitted,



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PTO-1449

Application No.  
10/765,334Applicant(s)  
Todd *et al.*Docket Number  
2003-IP-010496U1

Group Art Unit

Filing Date  
01-27-2004

## Information Disclosure Citation in an Application

JUL 16 2004

## U.S. PATENT DOCUMENTS

DOCUMENT NO.	ISSUE/PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
2,238,671	04-15-41	Woodhouse	166	21	02-09-40
3,784,585	01-08-74	Schmitt <i>et al.</i>	260	861	10-21-71
3,828,854	08-13-74	Templeton <i>et al.</i>	166	307	10-30-73
3,868,998	03-04-75	Lybarger <i>et al.</i>	166	278	05-15-74
3,960,736	06-01-76	Free <i>et al.</i>	252	8.55R	06-03-74
4,169,798	10-02-79	DeMartino	252	8.55R	10-25-77
4,470,915	09-11-84	Conway	252	8.55R	09-27-82
4,716,964	01-05-88	Erbstoesser <i>et al.</i>	166	284	12-10-86
4,809,783	03-07-89	Hollenbeck <i>et al.</i>	166	307	01-14-88
4,843,118	06-27-89	Lai <i>et al.</i>	524	555	06-19-87
4,848,467	07-18-89	Cantu <i>et al.</i>	166	281	02-16-88
4,961,466	10-09-90	Himes <i>et al.</i>	166	250	01-23-89
4,986,353	01-22-91	Clark <i>et al.</i>	166	279	09-14-88
4,986,354	01-22-91	Cantu <i>et al.</i>	166	279	09-14-88
5,082,056	01-21-92	Tackett Jr.	166	295	10-16-90
5,439,055	08-08-95	Card <i>et al.</i>	166	280	03-08-94

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	WO 04/038176 A1	05/06/04	United States	E21B	43/27	Yes
						n/a

## NON-PATENT DOCUMENTS

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

PTO-1449  <b>Information Disclosure Citation in an Application</b>	Application No. 10/765,334	Applicant(s) Todd <i>et al.</i>		
	Docket Number 2003-IP-010496U1	Group Art Unit	Docket Number 2003-IP-010496U1	

JUL 16 2004

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DOCUMENT NO.	ISSUE/PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
5,460,226	10-24-95	Lawson <i>et al.</i>	166	300	05-18-94
5,591,700	01-07-97	Harris <i>et al.</i>	507	204	12-22-94
6,162,766	12-19-00	Muir <i>et al.</i>	507	267	05-29-98
6,189,615	02-20-01	Sydansk	166	270	12-15-98
6,242,390	06-05-01	Mitchell <i>et al.</i>	507	211	07-31-98
6,387,986	05-04-02	Moradi-Araghi <i>et al.</i>	523	211	06-24-99
6,669,771	12-30-03	Tokiwa <i>et al.</i>	106	162	12-08-02
6,710,019	03-23-04	Sawdon <i>et al.</i>	507	136	07-16-99
US 2001/0016562	08-23-01	Muir <i>et al.</i>	507	201	11-29-00
US 2003/0060374	03-27-03	Cooke Jr.	507	200	09-24-02
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US 2004/0040706	03-04-04	Hossaini <i>et al.</i>	166	278	08-28-02

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					Yes	No
WO 04/037946 A1	05-06-04	United States	C09K	7/00		n/a

**NON-PATENT DOCUMENTS**

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	
Simmons, et al., "Poly(phenyllactide): Synthesis, Characterization, and Hydrolytic Degradation," <i>Biomacromolecules</i> , Vol. 2, No. 3, 2001 (pp. 658-663)	
Yin, et al., "Preparation and Characterization of Substituted Polylactides," <i>Am. Chem. Soc.</i> , Vol. 32, No. 23, 1999 (pp. 7711-7718)	
Yin, et al., "Synthesis and Properties of Polymers Derived from Substituted Lactic Acids," <i>Am. Chem. Soc.</i> , Ch. 12, 2001 (pp. 147-159)	
Cantu, et al., "Laboratory and Field Evaluation of a Combined Fluid-Loss-Control Additive and Gel Breaker for Fracturing Fluids," <i>SPE Paper 18211</i> (1990).	

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